

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Bobby Smith,

Plaintiff,

v.

Case No. 04-CV-71704
Honorable Denise Page Hood
Magistrate Steven D. Pepe

Paul Renico & Allan Bossel,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is Magistrate Judge Steven D. Pepe's Report and Recommendation ("R & R") [Docket # 29], which recommends that Plaintiff's Motion for Relief from Judgment [Docket # 26] be denied. Plaintiff did not file objections to the R & R.

If a party objects to specific portions of the R & R, a district court should "make a de novo determination of those portions." 28 U.S.C. § 636. If an R & R is not objected to, a district court need not review it by any standard. *See* 28 U.S.C. § 636; *see also Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002). A district court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(B)(1).

The Court has reviewed the R & R and agrees with its reasoning and conclusions of law.

In light of the foregoing,

IT IS ORDERED that the R & R of Magistrate Judge Steven D. Pepe is **ACCEPTED** and **ADOPTED** as this Court's findings and conclusions of law with respect to Plaintiff's Motion for Relief from Judgment [Docket # 26].

IT IS FURTHER ORDERED that Plaintiff's Motion for Relief from Judgment [Docket # 26] is **DENIED**.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: February 25, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record and Bobby Smith, Reg. No. 189410, Hiawatha, Correctional Facility, 4533 W. Industrial Park Drive, Kincheloe, MI 49786 on February 25, 2008, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager